

REMARKS

Applicant confirmed the provisional election with traverse.

Claim 22 was objected to for duplicating Claim 21, both being dependent on Claim 20. Claim 22 has been amended to depend from Claim 19.

Claim 1 stands rejected under 35 U.S.C. §112. Both Claim 1 and independent Claim 17 have been amended to include the step of extruding the heated carpet. Under most circumstances, the heating stages listed would actually occur in the extruder and are part of the extrusion process, so the added step of extruding is partially going on during the heating.

Claims 1, 13-15, and 17-22 stand rejected under 35 U.S.C. §102(b) based on U.S. Patent No. 5,217,655 (Schmidt). Claims 1 and 17 have been amended to read “A process for producing a lumber type product from material consisting essentially of scrap carpet” in the preamble. The first step in Claims 1 and 17 refers to the “scrap carpet” of the preamble, thus incorporating the element from the preamble and making the preamble limiting. The Schmidt patent, on the other hand, states:

Many varied materials may be effectively treated with the present process. Typical waste or scrap materials which may be recycled or converted into a composite product with the present process are, e.g., plastic containers (such as those for detergents, margarine, yogurt, etc.), plastic shopping bags, clothing, running shoes, battery cases, baler twine, books and magazines, plywood, sawdust, fiberglass, etc. The plastics fraction of the intake material may comprise materials containing, e.g., linear low density polyethylene, low density polyethylene, high density polyethylene, polypropylene, polystyrene and PVC. The fibrous fraction of the intake material may comprise, e.g., paper, aluminum foil, sawdust, plywood, fiberglass, cardboard, carpet and apparel fibers. Additionally, the intake material may contain organics, such as residues from food containers, and food wastes.

Schmidt includes many fibers in his mix, things such as wood products and paper products. By adding the restriction “consisting essentially of scrap carpet” it is clear that the present invention is dealing basically with just carpet. The grind and heating ranges reflect this special situation. The ranges are more narrow with greater space between them as shown on the following chart.

	Present Application	Schmidt
First Range	225 - 245 degrees F	215 - 250 degrees F
Second Range	285 - 305 degrees F	250 - 320 degrees F
Third Range	360 - 380 degrees F	320 - 400 degrees F
Fourth Range	405 - 425 degrees F	none
Fifth Range	435 - 455 degrees F	none

The same applies to the rejections under 35 U.S.C. §103 (a).

It is believed that all of the claims are now in condition for allowance and an early indication of allowance is earnestly solicited. The total number of claims and type of claims has not been changed so no additional fee should be due. This Amendment is being filed in the first month of extension and check for the extension fee of \$60.00 is enclosed. Please charge any additional fees which may be required or credit any over payment to Deposit Account No. 20-1123. A request for extension of time in the first month is also enclosed.

Respectfully,



W. Thomas Timmons
Registration No. 27,839
Customer No. 29222
The White House on Turtle Creek
2401 Turtle Creek Blvd
Dallas TX 75219-4760
TEL 214-528-1881 Ext. 18
FAX 214-528-6578
timmons@ippractice.com